

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.468 of 2023

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1. Parameshwar Sah S/o Late Kuldeep Sah, R/o -Village - Narha, Pannapur, P.S. - Rajepur, Anchal - Tetaria, District - East Champaran, Motihari.
 2. Rupan Sah, S/o Late Ramashish Sah, R/o -Village - Narha, Pannapur, P.S. - Rajepur, Anchal - Tetaria, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary Revenue and Land Reforms, Government of Bihar, Patna.
4. The District Collector/Magistrate, East Champaran, Motihari.
5. The Additional Collector, East Champaran, Motihari.
6. The Deputy Collector Land Reforms, East Champaran, Motihari.
7. The Circle Officer, Tetaria, District - East Champaran, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Alok Ranjan
For the Respondent/s : Mr.Md. Khurshid Alam (Aag 12)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-01-2023 Heard Mr. Alok Ranjan, learned counsel appearing on behalf of the petitioners and Mr. Md. Khurshid Alam, learned AAG-12 for the State in virtual mode.

Learned counsel appearing on behalf of the petitioners submitted that Circle Officer, Tetaria, District- East Champaran, Motihari, vide notice dated 31.12.2022 informed the petitioner that Khata No. 293, Khesra Nos. 2438/2733 is recorded as '*Gair Majarua Malik*'. It is submitted on behalf of the petitioners that revenue record shows that the said land was settled in the name



of one Ganpati Shah, ancestor of the petitioners. He further submitted that Circle Officer, Tetaria, District- East Champaran, Motihari is the holder of the revenue record had without verifying acted illegally to proceed to remove him in garb of land encroachment to have been made by him allegedly on public land. Learned counsel further submitted that he had applied for certified copy of the Khatian and other relevant documents before the Circle Officer, Tetaria, District- East Champaran, Motihari for availing appropriate legal remedy before appropriate forum but the Circle Officer has deliberately not provided the same and as such the present writ petition.

Mr. Md. Khurshid Alam, learned AAG-12 submitted that from the tenor of the notice itself it appears that the respondent-Circle Officer, Tetaria, District- East Champaran, Motihari had informed the petitioners that they are required to remove encroachment from the public land recorded as '*Gair Majarua Malik*'.

Circle Officer, Tetaria, District- East Champaran, Motihari is directed to provide certified copy of the orders passed against the petitioners forthwith preferably within a week in accordance with law to enable the petitioners to avail appropriate remedy.



The present writ petition is disposed of with a direction to the petitioner to avail remedy of appeal by producing legal document to show that the land in question i.e. Khata No. 293, Khesra Nos. 2438/2733 has been settled in the name of his ancestor in support of his contention that the land in question is his khatiyani land. Petitioners must not be disturbed in any manner till disposal of the appeal.

As the petitioner has claimed to have in possession of the land since long and efflux of time they have acquired right with the knowledge of the State leads to a complicated question of title. The petitioner, if so advised, may avail appropriate civil remedy before appropriate forum and seek for injunction or *status quo*.

Office of Mr. Md. Khurshid Alam, learned AAG-12 is directed to communicate this order today to the Collector, East Champaran, Motihari, both telephonically as well as by fax.

With the aforesaid observation and direction, the present writ petition is disposed of.

(Purnendu Singh, J)

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